

REMARKS

The application includes claims 1, 4, 6-17, 19, and 22-30 prior to entering this amendment.

The applicant amends claims 1, 6, 7, 8, 13, 17, 19, 23, and 24, adds claims 31 and 32, and cancels claim 28 without prejudice.

The application includes claims 1, 4, 6-17, 19, 22-27, and 29-32 after entering this amendment.

The applicant does not add new matter and requests reconsideration.

Drawing Objections

The examiner objected to the drawings under 37 C.F.R. § 1.83 as failing to show every feature of the invention specified in the claims. The applicant has amended claim 13 to obviate the examiner's drawing objections.

Claim Rejections Under § 112

The examiner rejected claims 13-17 and 26-30 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement because, according to the examiner, the specification does not describe "...receiving an external audio transmission including text data and an audio signal..."¹ as recited in claim 13, "...satellite audio receiver..."² recited in claim 17, and "an analog-to-digital (A/D) converter..."³ recited in claim 28. The applicant does not agree with the examiner's rejections in so far as the rejections cast the specification as lacking sufficient description for the recited claim language. The applicant has nonetheless amended claims 13, 17, and 28 to obviate the examiner's rejections and further prosecution.

Claim Rejections Under §§ 102 and 103

The examiner rejected claims 1, 9-12, 19, 22, and 23 under 35 U.S.C. § 103(a) over Johnson et al. (U.S. patent 6,782,239) in view of Nakano (U.S. patent 6,836,668). The examiner rejected claim 4 under 35 U.S.C. § 103(a) over Johnson in view of Nakano and Zhang (U.S.

¹ Office action mailed 10/23/2009, page 4.

² Id at pages 4 and 5.

³ Id at page 5.

patent 6,295,362). The examiner rejected claims 6-8 and 24 under 35 U.S.C. § 103(a) over Johnson in view of Nakano and Anderson (U.S. patent 5,721,783).

The examiner rejected claims 13, 19 and 28 under 35 U.S.C. § 102(b) over Yang et al. (U.S. patent 5,881,365). The examiner rejected claims 14, 17, 26, 27 and 30 under 35 U.S.C. § 103(a) over Yang in view of Lee (U.S. patent 6,374,177). The examiner rejected claims 15 and 16 under 35 U.S.C. § 103(a) over Yang in view of Grimes (U.S. patent 6,377,822). The examiner rejected claim 29 under 35 U.S.C. § 103(a) over Yang in view of Anderson. The examiner rejected claim 25 under 35 U.S.C. § 103(a) over Yang in view of Lee and Johnson.

The applicant has amended the claims to define patentably over the art of record at least for the reasons that follow.

Claim 1 recites *a processor configured to select text data providing ancillary information descriptive of an audio signal responsive to receiving a data type, ... and to encode the audio signal and the digitally encoded speech according to an FM standard into an FM digital signal responsive to receiving a transmission mode...wherein the data type is configured to identify a type of ancillary information that is descriptive of the audio signal... and wherein the transmission mode is configured to identify a mode in which to encode the audio signal and the digitally encoded speech....* Claims 13 and 19 include similar language.

In rejecting claim 1 prior to the present amendments, the examiner alleged that the recited *text data providing ancillary information descriptive of an audio signal* read on Johnson's "descriptive data related to a song encoded in MP3 format, such as a title of a song."⁴ The examiner, however, acknowledged that Johnson did not disclose "convert[ing] the text data into digitally encoded speech before the text data was encoded with the audio signal for transmission purpose" as currently recited in claims 1 and 19.

Claim 1, now recites *a processor configured to select text data providing ancillary information descriptive of an audio signal responsive to receiving a data type... wherein the data type is configured to identify a type of ancillary information that is descriptive of the audio signal.* Claim 31 further recites wherein the data type includes titles. Nothing in Johnson suggests that Johnson selects a title for any MP3 song responsive to such a *data type* input. In Johnson, the keyboard control panel 40 can wirelessly control the player 10 using DTMF

⁴ Id. at page 7.
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functions disclosed in Tables A and B, e.g., play, rewind, pause, stop, and the like.⁵ None of these functions, however, disclose a *data type input* as recited.

Moreover, claim 1 recites *a processor configured... to encode the audio signal and the digitally encoded speech according to an FM standard into an FM digital signal responsive to receiving a transmission mode... wherein the transmission mode is configured to identify a mode in which to encode the audio signal and the digitally encoded speech*. For example, “a user selects what type of data is to be sent (e.g., just the titles) and how the data is to be sent (e.g., as an audio table of contents in a selection mode or immediately prior to or after each music track is played.”⁶ The examiner acknowledged that Johnson did not disclose the recited *digitally encoded speech*, turning to Nakano to fill the gap. But neither Johnson nor Nakano disclose the recited *transmission mode* that is used to inform encoding the audio signal and the digitally encoded speech prior to transmission as recited. Claims 1 and 19 further recite *wherein the transmission mode is configured to identify a mode in which to encode the audio signal and the digitally encoded speech such that the digitally encoded is annunciated after decoding responsive to the transmission mode*. Since neither Johnson nor Nakano disclose the transmission mode recited they cannot be said to disclose the recited *transmission mode... such that the digitally encoded is annunciated after decoding responsive to the transmission mode*.

The examiner rejected claim 13 based primarily on Yang. But Yang also fails to disclose the recited *data type* that identifies a type of ancillary information that is descriptive of the audio signal and the recited *transmission mode* that identifies a mode in which to combine the audio signal and the modulated text data signal.

For at least these reasons, independent claims 1, 13, and 19 are in condition for the examiner’s allowance. Claims 4, 6-12, 14-17, 22-27, and 29-32 are also in condition for the examiner’s allowance at least because of their dependence on independent claims 1, 13, and 19.

⁵ Johnson, column 7, lines 3-11 and 25-33.

⁶ Specification, paragraph [0037].

Conclusion

In view of the foregoing, the applicant submits that claims 1, 4, 6-17, 19, 22-27, and 29-32 are in condition for allowance. The applicant encourages the examiner to call if a conference would advance prosecution.

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Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Graciela G. Cowger', is written over a horizontal line.

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